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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,891	02/26/2002	Jay Baker	2705-172	7487

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT PAPER NUMBER

2157

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/083,891	Applicant(s) BAKER ET AL.	
	Examiner Salad E. Abdullahi	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/20/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 15, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 5, 7, 9, 10, 12, 13 and 16 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 11 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/20/2006 has been entered.

2. Claims 2-13 and 15-19 are pending. The rejection cited stated below.

3. applicant's argument with respect to claims 2-4, 18-19 and 15 are moot.

Allowable Subject Matter

4. Claims 2-4, 18-19 and 15 are allowed.

5. Claims 6, 8, 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 5, 7, 9-10 and 12-13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Herbert et al., U.S. Patent No. 6,088,749[hereinafter Herbert].

As per claims 5 and 16, Herbert discloses a method of tunneling any existing data, control-, or routing-related protocol through a generic Internet protocol (P) transport, the method comprising:

creating a base class library including plural defined source and header files the base class library further including base class constructors of virtual, copy, and assignment and generic access methods, (see col. 20, line 60 to col. 21, line 17), and first providing a mechanism for deriving a transaction-based protocol-specific class that is compatible with the base class library the transaction-based protocol-specific class further being derived based in part on the chosen transport protocol (see col. 20, line 60 to col. 21, line 17).

As per claims 7, Herbert discloses the method of claim 5, wherein transaction-based protocol specific class is derived using an object oriented inheritance based mechanism (see col. 21, lines 42-54).

As per claim 9, Herbert discloses an application programming interface for transparently routing data between sockets in an Internet protocol (1P) transport, the interface comprising:

a message buffer data structure defining a protocol-generic parent class, message,

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source-address and data fields for a chosen transport protocol(see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14);

a message creation mechanism for creating a message and adding it to the message buffer data structure (see figs. 5 and 10 and col. 2, lines 60-67, col. 12, line 16 to col. 13, line 14);and

a protocol creation mechanism for deriving a protocol-specific child class based on the chosen transport protocol that renders new protocol-specific sub-fields of said protocol field of said message buffer data structure (see col. 9, 29-53 and col. 12, lines 21-24).

As per claim 10, Herbert discloses the interface of claim 9 in which protocol specific child class is derived using an object oriented inheritance based mechanism (see col. 21, lines 42-54).

As per claim 12 and 13, Herbert discloses the interface of claim 10, wherein said message creation and protocol creation mechanisms include computer-readable and computer-executable software instructions, which includes software source code and headers in C/C++ programming language form (see col. 21, lines 42-54).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-

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4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad
5/28/2006

ABDULLAHISALAD
PRIMARY EXAMINER